

## **Remarks**

Reconsideration and re-examination is respectfully requested in light of the foregoing amendment, and in consideration of these remarks.

### **Acknowledgement and Thanks For Examiner Interview.**

Applicant acknowledges and thanks the examiner for the telephonic interviews, and the examiner's helpful suggestion and instruction. In particular, the examiner and the undersigned spoke, and on or about August 8, 2003 applicant submitted proposed claim amendments. Further, on or about September 9, 2003, examiner and the undersigned spoke regarding the slag free nature of the weld of the current invention. The examiner indicated that the claims appear to have allowable matter, but specifically stated that the indication should not be treated as a binding conclusion of allowance of the claims as stated. Further to that discussion, the applicant appends the enclosed claims revision, clarifying the slag-free nature of the weld of the present invention in the affected claims.

### **Claim Rejections (p. 2, Para. 1) – 35 USC 112**

The examiner objects to Claims 4, 7, 10, 13, & 18-25 for use of the term "tension anomalies" because, though having a stated definition the definition is not sufficient. Applicant has replaced the term "tension anomalies" in each of the claims with "pits," "porosity," or "pitting," which the examiner indicated by telephone on September 9, 2003 was sufficiently distinct.

### **Claim Rejections – 35 U.S.C § 102 and 103**

The examiner rejected claims under Section 102 on the basis of Badia for use of pure nickel. Further to consultation with the examiner, applicant has clarified the slag-free aspect of the weld in each of the affected claims. Support for these clarifications is found in the Brief Summary, in the third stated Object of the Invention, and generally in the 9<sup>th</sup> paragraph of the specification. Badia does not teach or suggest a slag-free weld.

The examiner levied a Section 103 rejection based on Badia and Rogers or Wasserman. None of these references teach or suggest, alone or in combination, a slag-free weld. A review of each of the references cited by the examiner discloses that each

includes prominent use of flux, which would necessarily create a slag. Accordingly, by virtue of the clarification of the slag-free nature of the weld, the claims include an element not found or suggested in the prior art.

Withdrawal of the rejections under Section 102 and Section 103 is respectfully requested.

### **Other Art of Record**

The Examiner has cited but not relied on other art. Because this art is not relied upon in any rejection, no response is necessary. Applicant does not concede that these each demonstrate the points for which the Examiner cites them.


### **Fees**

No fees for additional claims are required. An extension fee is required and enclosed herewith, supported also by a deposit account authorization for any underpayment. This paper is filed as a submission in support of an RCE, and the appropriate fees for the RCE are also included.

### **Conclusion**

Applicant respectfully submits that in light of the foregoing, anticipation and obviousness rejections are unsupported. Applicant has diligently sought to comply with all requirements and to correct all informalities and objections. The Application is believed to be in condition for allowance, and early approval is respectfully requested.

Respectfully submitted,



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